

Cigelske, Jr. et al.

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S/N: 10/065,571

REMARKS

Claims 1-23 are pending in the present application. In the Office Action mailed June 23, 2005, the Examiner rejected claims 1-23 under 35 U.S.C. §102(b) as being anticipated by Katooka et al. (USP 5,831,240).

The Examiner rejected claims 1, 2, 10, and 17 under 35 U.S.C §102(b) as anticipated by Katooka et al. stating that "Katooka et al. disclose [sic] a welding apparatus and method to assemble the end panel to the base of the welding apparatus comprising the base (100) having at least one snap with an opening, and the end panel (300) having at least one ramp (312) formed thereon that is generally in alignment with at least one snap (figures 3a-d)." Applicant respectfully disagrees.

As stated in MPEP §2131, "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." MPEP §2131 further states that "[t]he elements must be arranged as required by the claim" to support a 35 U.S.C. §102(b) rejection. That is, the reference must include each and every element called for in the claim and the elements must be arranged as required by the claim. In an effort to support the rejection, the Examiner has not only disregarded elements of the claims, but has also disregarded the arrangement of those elements as called for in the claims. The Examiner states that Katooka et al., as shown in Figs. 3a-3d, discloses a welding apparatus having a base (100) and an end panel (300). Such an assertion disregards the written disclosure of Katooka et al.

Katooka et al. states that "[t]he chassis 300 is coupled to the front and rear panels 100 and 200 at locations intermediate between the top and bottom side panels." Col. 5, lns. 58-60. That is, Katooka et al. discloses that the chassis (300), (definition attached hereto) is constructed to support the front, rear, top, and bottom side panels. As such, chassis (300) does not form a "base" of the welding apparatus but, as disclosed in Katooka et al., is a support element completely interior thereto. See Katooka et al. col. 5, lns. 58-60. Likewise the base (definition attached hereto) of the present invention forms the bottom of the welding apparatus and supports the side and end panels attached thereto. That is the base functions both as a bottom of the welding apparatus and a support for the elements connected thereto. Nonetheless, even in light of the Examiner's contrary interpretation of that which is disclosed in Katooka et al., Katooka et al. fails to disclose each and every element called for in the claims.

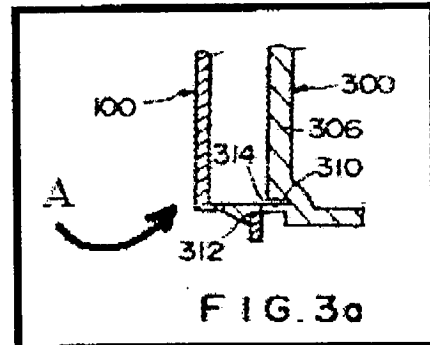
Claim 1 calls for, in part, an end panel having a receptacle area formed therein and a base having an end interfitted into the receptacle area of the end panel. The Examiner's strained

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interpretation of that which is disclosed in Katooka et al. fails to satisfy such a construction. That is, the Examiner's interpretation of front panel (100) as the base element of claim 1 and chassis (300) as the end panel as called for in claim 1 does not include such a construction. Claim 1 further calls for the base having at least one snap having a distal end with an opening therein and extending outwardly from the end of the panel. That is, the end of the base has a snap extending therefrom and is interfitted into a receptacle area of the end panel. As shown in Fig. 3a of Katooka et al. (reproduced at right), if panel 100 forms the base element as called for in claim 1, and a snap with an opening extends from the end of the panel, added reference arrow A indicates the end of "base" 100. End A of "base" 100 is clearly displaced from "end panel" 300 and is not interfitted into a receptacle area of "end panel" 300 as called for in claim 1. As such, even the Examiner's strained interpretation of that which is disclosed in Katooka et al. fails to disclose each and every element called for in claim 1.



Not only does the Examiner's interpretation of Katooka et al. fail to disclose each and every element called for in the claims, such an interpretation is contrary to the disclosure of Katooka et al. MPEP §2111 requires that "[t]he broadest reasonable interpretation of the claims must also be consistent with the interpretation that those skilled in the art would reach." Simply, a person of ordinary skill in the art would appreciate that chassis 300 of Katooka et al. forms more of a "base" of the assembly than front panel 100. Katooka et al. clearly discloses that panel 100 is a front panel, or an end panel of the apparatus. The Examiner has deviated from a reasonable interpretation of that which is disclosed in Katooka et al. in an effort to satisfy the limitations of the claims. Even in doing so, the Examiner's unreasonable interpretation of that which is disclosed Katooka et al. fails to address each and every element and the arrangement of those elements as is required to support a rejection under 35 U.S.C. §102(b).

A reasonable interpretation of Katooka et al. identifies the parts disclosed therein as they are identified in Katooka et al. That is, Katooka et al. clearly discloses that panel 100 is an end panel of the assembly and chassis 300 forms a component positioned at an interior of the apparatus thereof. Discussing Figs. 3a-3c, Katooka et al. states that "projections 310 extend forward and rearward from the left and right ends of front and rear end members 306 and 308 of the chassis 300, respectively." Col. 6, lns. 5-8. That is, projections 310 extend from opposite ends of the chassis of the assembly. Katooka et al. further states that "[t]he protrusions 312

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engage with the through-holes 106 and 206 in the front and rear panels 100 and 200 respectively.” Col. 6, lns. 13-15. As shown in Figs. 3a and 3c of Katooka et al., projection 310 of chassis 300 is the only portion of chassis 300 that is received in side panel 100.

Claim 1 calls for, in part, an end panel having a receptacle area formed therein and a base having an end interfitted into the receptacle area of the end panel. Claim 1 further calls for the base having at least one snap extending outwardly from the end of the panel. That is, claim 1 calls for an end of the base, with at least one snap extending therefrom, being interfitted into a receptacle area of the end panel. As shown in Fig. 3a of Katooka et al. (reproduced above), although projection 310 extends from end 306 of chassis 300, end 306 of chassis 300 is not interfitted into a receptacle area of end panel 100 as called for in claim 1.

Further, claim 1 calls for the at least one snap to have a distal end with an opening therein. As shown in Fig. 3d of Katooka et al., projection 310 includes a protrusion 312 at an end thereof and does not having an opening therein as called for in claim 1. Claim 1 also calls for an end panel having at least one ramp formed thereon. As shown in Fig. 3a of Katooka et al. there is no ramp formed on panel 100 but merely an opening formed therein. Katooka et al. states that “[e]ach of the projections 310 has ... a protrusion 312 protruding outward from the tip end of that projection” and that “[i]n order to make the projections 310 possible to bend inward, slots 314 are formed in the front and rear members 306 and 308...” Col. 6, lns. 9-12. Katooka et al. continues, “For detaching the front and rear panels 100 and 200 from the chassis 300, the protrusion 312 shown, ... in Fig. 3a, is pushed inward by a finger and the panels are pulled off, as shown in FIGS. 3b and 3d.” Col. 6, lns 25-29. That is, protrusion 312 extends from projection 310 which extends from an end of chassis 300. Katooka et al. has a “snap” or a projection 310 without an opening therein extending from chassis 300 and a “ramp” or protrusion 312 formed thereon. Contrary thereto, claim 1 calls for a base having at least one snap with an opening therein and an end panel having at least one ramp formed thereon. Such a construction is not disclosed in Katooka et al. even with the Examiner’s unreasonable interpretation of panel 100 as a base and chassis 300 as an end panel. For all the reasons set forth above, that which is called for in claim 1 is not anticipated by Katooka et al. Accordingly, Applicant believes claims 1, and the claims that depend therefrom, are patentable over Katooka et al.

Claim 10 calls for, in part, a subassembly for a welding apparatus having an end panel having a receptacle area formed therein and a base having an end interfitted into the receptacle area of the end panel. Claim 10 further calls at least one snap extending outwardly from the end of the base and having an opening formed in a distal end thereof. The end of the base is

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interfitted into a receptacle area of the end panel and at least one snap extends therefrom. As previously argued with respect to claim 1, there is no comparable construction disclosed in Katooka et al. That is, as disclosed in Katooka et al., projection 310 extends from an end of chassis 300 and is received in through-hole 106 of front panel 100. Even the Examiner's unreasonable interpretation of that which is disclosed in Katooka et al. fails to satisfy this element of claim 10. That is, not only is it unreasonable that a person of ordinary skill in the art would interpret front panel 100 and chassis 300 of Katooka et al. as a base and an end panel, respectively, as called for in the present claims, the front panel 100 of Katooka et al. does not include at least one snap which extends from the end of front panel 100 and wherein the end of front panel 100 is interfitted into a receptacle area of chassis 300. Accordingly, that which is called for in claim 10 is not shown or disclosed in Katooka et al. As such, Applicant believes claim 10, and the claims that depend therefrom, are patentable over Katooka et al.

Claim 17 calls for, in part, a method of assembling an end panel to a base of a welding apparatus comprising the steps of providing a base with at least one snap having an elongated opening formed therein, providing a panel having at least one ramp formed thereon, and inserting the base into the panel to cause the snap to ride upwardly along the ramp such that the ramp enters into a recess. That is, the panel has a ramp formed thereon and the base has a snap extending therefrom. Katooka et al. discloses an assembly wherein a projection 310 with a ramped protrusion 312 extends from a chassis 300 and snap-fittingly engages a through-hole 106 formed in front panel 100. Katooka et al. states that "projections 310 extend forward and rearward from the left and right ends of front and rear end members 306 and 308 of the chassis 300, respectively" and that "[e]ach of the projections 310 has second engaging means, e.g. a protrusion 312 protruding outward from the tip end of that projection." Col. 6, lns. 5-10. Katooka et al. further states that "[i]n order to make the projections 310 possible to bend inward, slots 314 are formed in the front and rear members 306 and 308, as shown in FIGS. 3a and 3b." Col. 6, lns. 10-12. Katooka et al. continues, "The protrusions 312 engage with the through-holes 106 and 206 in the front and rear panels 100 and 200, respectively" and that "... protrusion 312 at the front, right-hand corner of the chassis 300 engage with the through-holes 106 formed in the right-hand edge of the front panel 100, as shown in FIGS. 3a and 3c." Col. 6, lns. 13-18. It is apparent that projection 310 forms the "snap" of the assembly of Katooka et al. Projection 310 does not include any opening formed therethrough let alone an elongated opening as called for in claim 17.

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Claim 17 calls for, in part, a method of assembling an end panel to a base of a welding apparatus which includes a base having a snap and a panel having a ramp. Claim 17 further defines the method of assembling the panel to the base such that inserting the base into the panel causes the snap to ride upwardly along the ramp. That is, the snap is movably associated with the ramp. The assembly of Katooka et al. includes a deflectable projection 310 having a protrusion 312 formed thereon. That is, there is no movement between projection 310 and protrusion 312. As such, projection 310 does not ride upwardly along protrusion 312 as called for in claim 17. Rather, projection 310 is deflected by the movement of protrusion 312 into through-hole 106. Accordingly, at least for the reasons set forth above, that which is called for in claim 17 is not disclosed in Katooka et al. As such, Applicant believes claim 17, and the claims that depend therefrom, are patentably distinct over Katooka et al.

Therefore, in light of at least the foregoing, Applicant respectfully believes that the present application is in condition for allowance. As a result, Applicant respectfully requests timely issuance of a Notice of Allowance for claims 1-23.

Applicant appreciates the Examiner's consideration of these Remarks and cordially invites the Examiner to call the undersigned, should the Examiner consider any matters unresolved.

Respectfully submitted,



Kirk L. Deheck
Registration No. 55,782
Phone 262-376-5170 ext. 16
kld@zpspatents.com

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P.O. ADDRESS:
Ziolkowski Patent Solutions Group, SC
14135 North Cedarburg Road
Mequon, WI 53097-1416
262-376-5170